


FLORIDA HIGHWAY PATROL

POLICY MANUAL

	SUBJECT CITATIONS AND WARNINGS/FAULTY EQUIPMENT NOTICES	POLICY NUMBER 17.03
	APPLICABLE CALEA STANDARDS 82.3.4	ISSUE DATE 02/01/96
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17.03.01 PURPOSE

To provide guidelines for the issuance and processing of citations and warning/faulty equipment notices.

17.03.02 AUTHORITY

Section 316.650, Florida Statutes.

Uniform Traffic Citation Procedures Manual of the Division of Driver License.

17.03.03 POLICY

It is the policy of the Florida Highway Patrol to provide uniform procedures for the processing and maintaining of records related to citations and warning/faulty equipment notices.

“It is unlawful and official misconduct for any traffic officer or other officer or public employee to dispose of a traffic violation or copies thereof or of the record of the issuance of the same in a manner other than as required herein” (Section 316.650(8), Florida Statutes).

17.03.04 DEFINITIONS

- A. **CITATION** - For the purpose of this policy, citation shall include the Uniform Traffic Citation (HSMV 75900) and the DUI Uniform Traffic Citation (HSMV 75903).
- B. **E-CITATION** - For the purpose of this policy, citation shall include the Uniform Traffic Citation (HSMV 75900) and the DUI Uniform Traffic Citation (HSMV 75903) generated using the Mobile Computer Terminal.
- C. **E-CITATION Book** – a predefined set electronic citation numbers.
- D. **E-CITATION** – a computer generated version of a Florida Uniform Traffic Citation
- E. **E-DUI** – a computer generated version of a Florida DUI Uniform Traffic Citation
- F. **MCT** – Mobile Computer Terminal

- G. **TROOP COORDINATOR** – a persons appointed by the Troop Commander to coordinate all computer associated information and applications for the Troop.
- H. **APPENDIX C** – a document generated by the Department of Highway Safety and Motor Vehicles as part of the Uniform Traffic Citation Procedures Manual that indicates statute numbers, disposition, fines, etc and is used by TCATS for distribution of the e-citations.
- I. **TCATS_ICD** – Traffic Citation Accounting Transmission System Interface Control Document
- J. **TSDR** – Traffic Stop Data Report
- K. **SPOILED CITATION** - Damaged or soiled citations that are not usable due to appearance or condition.
- L. **UNUSED CITATION** - Any citation(s), including entire books, that have been issued to a member who has subsequently retired, resigned, or been terminated.
- M. **VOIDED CITATION** - Any citation(s) that has been partially or wholly executed and, prior to transmittal to the court of jurisdiction, been determined to be invalid due to error, incorrect information or other lawful reason. Justification for voiding a citation may include, but not be limited to:
 - 1. When a violator locates his/her driver license, registration or proof of insurance during the initial contact.
 - 2. When the citation identifies the wrong person.
 - 3. When the citation identifies the wrong charge.
 - 4. Incorrect information is entered on the citation.

17.03.05 RESPONSIBILITIES

- A. Troop Commanders shall implement a system of accountability for the receipt, issuance, and reconciliation of all UTCs and DUI citations. The system shall be established in accordance with the requirements of Section 316.650, Florida Statutes.
- B. Troop Commanders will designate an employee to be responsible for the daily supervision of the system of citation accountability, issuance and reconciliation within the troop or district.
- C. The Chief Technology Officer shall be responsible for the receipt and distribution of all e-citations numbers. He/she shall implement a system of accountability for the receipt, issuance, and reconciliation of all UTCs and DUI citations. The system shall be established in accordance with the requirements of Section 316.650, Florida Statutes.

17 .03.06 PROCEDURES

A. INSTRUCTION FOR COMPLETING CITATIONS, WARNINGS/FAULTY EQUIPMENT NOTICES

In general, these forms are self-explanatory and need minimal instructions. All citations and Warning/Faulty Equipment Notices shall comply with the Appendix C and the TCATS_ICD for data entry on the form.

Hard-copy, non-electronic citations (hand-written) are to be completed in accordance with The Uniform Traffic Citation Procedures Manual available at: <http://hsmv.state.fl.us/ddl/utc/>.

1. Written Warnings/Faulty Equipment Notices.

- a. If the violator has changed his/her name since the issuance of their driver license, the correct name should be entered. Enter the difference in the legal name and that shown on the driver license in parenthesis. For example: Jane Adams-Brooks. The violator's name was Jane Adams, which is on her driver license, while her new name is Jane Adams Brooks.
- b. Obtain a physical address (street or road) rather than a Post Office Box, if possible. If the violator presents a Florida driver license and his/her correct address is different than that shown, advise the violator to comply with Section 322.19, Florida Statutes, concerning the change of address requirement.
- c. Make of vehicle - enter manufacturer's name. Example: Ford, Chevrolet, Honda. Do not use model names such as Mustang, Caprice, or Civic. Abbreviations are acceptable.
- d. Violation Section.

Fields that the Written Warning/Faulty Equipment Notice have in common with the UTC shall be completed in accordance with instructions for completing the UTC. However, the following provisions shall apply to the violation section:

- (1) Faulty Equipment Notice - More than one violation can be shown on the form, but credit for only one faulty equipment notice is to be shown on the Weekly Report of Daily Activity.
- (2) Warning - Only the most serious violation is to be shown and only one warning notice for each warning issued will be recorded on the Weekly Report of Daily Activity.

2. Citations

- a. Instructions "a" through "d" on completing the warning/faulty equipment notice apply to completing the citations.

- b. If more than one charge is made against the same defendant, a separate citation must be completed for each charge.
- c. If the charge is "improper passing" or "violation of right of way," an "X" is to be placed in the appropriate box and the type of violation is to be explained in the comments section.
- d. If the charge is "unlawful speed," the method of speed measurement should be noted in the comments section.
- e. For line-by-line instructions, refer to the Uniform Traffic Citation Procedures Manual maintained at each district headquarters.
- f. Immediately after issuance of the citation to the violator the member will transmit the citation to the server.
- g. Immediately after issuance of the citation to the violator the member will transmit the information to the TSDR.

B. DISTRIBUTION

1. Warnings/Faulty Equipment Notices.

a. Distribution

- (1) An original is to be given to the violator.
- (2) All warnings and faulty equipment notices completed utilizing the Mobile software are to be transmitted to the server upon completion of the traffic stop and violator has left the scene.
- (3) Hand written version – The third copy (yellow) will remain in the Warning/Faulty Equipment Notice book. Completed books are to be retained at Troop or District Headquarters until a written order of destruction is received from the DHSMV Records Management Section.

- b. This combined form can be used for one warning and one faulty equipment notice for credit on the Weekly Report of Daily Activity, if both were issued to the same operator.

2. Citations

a. Distribution (E-Citations)

- (1) The printed Court Complaint copy containing the violator's signature shall be transmitted to the traffic violations bureau **within five** days from the issuance to the violator.

In the case of a custodial arrest, attach the Court Complaint copy to the arrest affidavit to be delivered to the state attorney will satisfy this requirement. However, the citation number(s) should be listed on a transmittal form

with a note made indicating where the court copies are located.

- (2) The Defendant's copy will be given to the defendant at the time the charge is made. Complete instruction for answering to the charge will be given prior to the release of the defendant.
- (3) The Officer copy may be printed and retained by the member, or when requested by the traffic violations bureau, may be transmitted along with the original for referral during later court proceedings.
- (4) Traffic citations completed utilizing the Mobile software are to be transmitted to the server immediately upon completion of the traffic stop and after the violator has left the scene.

b. Distribution (Hand-Written Citations)

- (1). The original and first copy (both white) are transmitted to the traffic violations bureau in accordance with Section 316.650, Florida Statutes.
In the case of a custodial arrest, attaching these copies to the arrest affidavit to be delivered to the state attorney will satisfy this requirement. However, the citation number(s) should be listed on a transmittal form with a note made indicating where the court copies are located.
- (2). The DHSMV Record (green copy for DUI Citations only) will be transmitted to the local Bureau of Driver Improvement along with documentation required to substantiate the administrative suspension.
- (3). The defendant's copy (yellow) will be given to the defendant at the time the charge is made. Complete instruction for answering to the charge will be given prior to the release of the defendant.
- (4). The DHSMV Record (blue copy) is to be attached to the Weekly Report of Daily Activity for credit.
- (5). The Officer/Agency copy (pink) may be retained by the member, or when requested by the traffic violations bureau, may be transmitted along with the original for referral during later court proceedings.

C. ACCOUNTABILITY

1. Accountability (E-Citations)

- a. Citation numbers shall be maintained on each troop server and the server shall indicate the trooper's name and the assigned citation book numbers. The Troop Coordinator shall be responsible for issuing troopers citation books on the troop server.
- b. Members shall be issued citations electronically via their assigned MCT from the trooper's assigned troop server.
 - 1. Upon the transfer of a member to another troop, the trooper shall check in via their MCT to their book.
- c. A computerized reconciliation of all citations shall be conducted periodically by the Florida Highway Patrol CAD Administrator and submitted to the Chief Technology Officer for review.

2. Accountability (Hand-Written Citations)

- a. Citations that have not been issued will be kept in a secure location which only supervisory personnel have access.
- b. Members being issued citations shall inspect the citation books. The receipts shall be immediately completed and returned to the issuing supervisor.
 - 1. One copy of the completed receipts are to be sent to GHQ Records Section weekly.
 - 2. The other copy is to be retained by the employee responsible for citation accountability.
 - 3. Upon the transfer of a member to another troop, the employee responsible for citation accountability will note "transferred" along with the new location of assignment, the date of the transfer, and the last citation number written in the original troop. A photostatic copy of the receipt will be retained by the employee responsible for citation accountability and the original will be sent to the new district headquarters.
- c. If a citation is lost or stolen, the member shall immediately notify a supervisor and complete and submit a Voided Uniform Traffic Citation Affidavit of Justification detailing the circumstances surrounding the loss of the citation.
- d. Unused Citations

1. All unused citations will be returned to the employee responsible for citation accountability immediately.
2. The employee responsible for citation accountability will sign each citation.
3. The employee responsible for citation accountability shall write "unused" along with the reason on the front of each citation along with the date of such action and the name and ID number of the member returning the citations.
4. The last copy of each citation will be removed and attached to the receipt at the district headquarters.
5. The balance of the citation book will be forwarded to the Reports and Records Review Section in GHQ.

D. 1. VOIDED CITATIONS (E-Citations)

- a. Any citation that has been issued to a violator and transmitted via the MCT to the troop server and later found to contain an error. The Court Complaint copy of the citation containing the violator's signature shall be transmitted to the court of jurisdiction. The trooper shall not hand write the correction on the citation prior to transmitting to the court of jurisdiction.
- b. The trooper shall contact the court of jurisdiction, advise them of the error and complete their paperwork to correct the error on the citation.

2. VOIDED CITATIONS (Hand Written Citations)

- a. Any citation that is not being processed through the courts due to being voided or declared spoiled must consist of the original and **all** copies.
- b. The word "VOID" or "SPOILED" will be written on the citation along with the appropriate reason
- c. The signature line on the citation will be completed by the member.
- d. The Voided Uniform Traffic Citation Affidavit of Justification (Addendum 17.03-1) will be completed and attached to the citation.
- e. The number of any citation issued to a violator to replace the voided or spoiled citation will be noted on the affidavit.

- f. The citation and affidavit will be turned into the immediate supervisor who will verify that the invalidating of the citation was appropriate.
- g. The supervisor will forward the citation and affidavit through the chain of command to the Troop Commander for review.
- h. After review, the Troop Commander will forward the citation and affidavit to the employee responsible for citation accountability for processing.
 - 1 The last copy of the citation will be attached to the appropriate citation book receipt.
 - 2. The balance of all such citations and affidavits shall be forwarded weekly to the Reports and Records Review Section in GHQ.

17.03.07 REGULATIONS

- A. Each member is responsible for all citations issued to that member. Members are not to loan or provide citations that are issued to them to any other member or officer of another agency.
- B. Members will only sign and/or issue citations when that member has personally observed the violation, personally conducted the traffic crash or criminal investigation from which the violation arose, stopped a violator at the direction of another law enforcement officer in accordance with Florida Statutes or as instructed by a Judge, State Attorney or other competent official.

**DIVISION OF FLORIDA HIGHWAY PATROL
VOIDED UNIFORM TRAFFIC CITATION
AFFIDAVIT OF JUSTIFICATION**

NUMBER: FROM _____ THROUGH _____

OFFICER ISSUING CITATION: _____

DATE ISSUED: _____

ISSUING AUTHORITY: _____ TROOP: _____

I, the undersigned, being first duly sworn, state that I have personally voided the attached citation(s) with the number(s) listed above. The citation(s) was voided in accordance with the provisions of Section 316.650, F.S., and the policies and procedures of the Florida Highway Patrol.

STATE THE SPECIFIC REASON FOR VOIDING THE CITATION

SIGNATURE OF THE MEMBER ID NUMBER DATE

The foregoing statement was sworn to and subscribed before me this _____ day of _____, 20____.

SIGNATURE OF SUPERVISOR ID NUMBER

A LAW ENFORCEMENT SUPERVISOR ABOVE THE RANK OF THE MEMBER VOIDING THE CITATION SHALL ATTEST TO THE AUTHENTICITY OF THIS DOCUMENT PURSUANT TO SECTION 117.10, F.S.

REVIEWING AUTHORITY

The undersigned have reviewed the voided citation(s) and certify that the citation(s) was voided in accordance with the provisions of Section 316.650, F.S., and the policies and procedures of the Florida Highway Patrol.

SERGEANT _____ CAPTAIN _____

LIEUTENANT _____ MAJOR _____

**REVIEWED AND PROCESSED BY EMPLOYEE RESPONSIBLE FOR
CITATION ACCOUNTABILITY**

SIGNATURE

DATE

(12/99)

ADDENDUM 17.03-1